

1 Chad Austin, Esq. SBN 235457
2 4632 Berwick Drive
3 San Diego, CA 92117
4 Telephone: (619) 992-7100
5 Facsimile: (619) 295-1401

6 Attorney for Plaintiff, JAMES M. KINDER, an individual

7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 JAMES M. KINDER,

12
13 Plaintiff,

14 v.

15 HARRAH'S ENTERTAINMENT, Inc. and
16 DOES 1 through 100, inclusive,

17 Defendants.
18
19
20

Lead Case No. 07 CV 2132 DMS (AJB)
[Consolidated with 07CV2226 DMS (AJB)]

Judge: Hon. Dana M. Sabraw
Magistrate: Hon. Anthony J. Battaglia

**DECLARATION OF CHRISTOPHER
J. REICHMAN IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION TO
DECLARE HIM A VEXATIOUS
LITIGANT AND REQUIRE HIM TO
POST A BOND**

Date: April 25, 2008
Time: 1:30 p.m.
Courtroom: 10

21 I, CHRISTOPHER J. REICHMAN, declare as follows:

22 1. I am an attorney at law duly licensed and admitted to practice before all courts of
23 the State of California. If called as a witness, I could and would competently testify to all facts
24 within my personal knowledge except where stated on information and belief. This declaration is
25 submitted in support of Plaintiff's Opposition to Defendant's Motion to Declare Him a
26

1 Vexatious Litigant and to Require Him to Post a Bond. The matters stated in this declaration are
2 true, of my own personal knowledge.

3
4 2. On or about March 12, 2008, I personally went to the San Diego Superior Court
5 records department located at 220 W. Broadway, San Diego, California 92101 to review the
6 court file from *Kinder v. OSI Collections Services, Inc.* San Diego Superior Court Case No.
7 GIC789588 in order to prepare for a motion set to be filed in the consolidated Telephone
8 Consumer Protection Act matters in San Diego Superior Court in which James M. Kinder is
9 Plaintiff. I am attorney of record for Mr. Kinder in a number of those consolidated actions.
10
11
12

13 3. The documents attached to this Opposition as Exhibits A, B, C, D, E and F are
14 true and correct copies of documents from the court file in *Kinder v. OSI Collections Services,*
15 *Inc.*, San Diego Superior Court Case No. GIC789588, showing that the Motion for Summary
16 Judgment that was filed by OSI Collections Services, Inc. ("OSI") was taken off calendar the day
17 before the hearing on that motion when OSI's attorney telephoned the court to notify same that
18 the case had settled. The documents also show that there was no final judgment in that case in
19 that the court dismissed the action *sua sponte* after being advised of the settlement by the parties.
20
21


22 4. I personally looked at each document in the court file for *Kinder v. OSI*
23 *Collections Services, Inc.*, San Diego Superior Court Case No. GIC789588, and there was no
24 ruling as was referenced by Judge Einhorn in his October 7, 2003 rulings which Defendant
25

26 ///

1 attached as Exhibits to the instant motion. No summary judgment final ruling of any kind
2 whatsoever was in the court file.
3

4 I declare under penalty of perjury under the laws of the State of California and the laws of
5 the United States that the foregoing is true and correct and that this declaration was executed by
6 me on April 9, 2008 in San Diego, California.
7

8 DATED: April 9, 2008
9

By: 
CHRISTOPHER J. REICHMAN
Attorney at law